



11-13-06

IFW #

Attorney's Docket No.: 17109-013001 / 923

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Rene Gantier et al.                      Art Unit : 1631  
Serial No. : 10/658,355                              Examiner : Russell Scott Negin  
Filed : September 8, 2003                          Conf. No. : 3519  
Cust. No. : 20985  
Title : RATIONAL DIRECTED PROTEIN EVOLUTION USING TWO-  
DIMENSIONAL RATIONAL MUTAGENESIS SCANNING

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement, Form PTO-1449 (one page), cited non U.S. patent document, copies of two European Examination Reports, return postcard, and a check for the requisite fee of \$180.00 for filing in connection with the above-captioned patent application.



The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

\_\_\_\_\_  
Stephanie Seidman  
Reg. No. 33,779

Attorney Docket No. 17109-013001 / 923  
**Address all correspondence to:**  
Stephanie Seidman  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-4777  
Facsimile: (202) 626-7796  
email: seidman@fr.com

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"Express Mail" Mailing Label Number EV 740120120 US  
Date of Deposit November 09, 2006  
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

\_\_\_\_\_  
Stephanie Seidman



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P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN  
ACCORDANCE WITH 37 C.F.R. §§1.97-1.98**

Dear Sir:

Because this Supplemental Information Disclosure Statement is after receipt of a first Office Action on the Merits of the above-captioned application, the filing fee of \$180 is enclosed. If no proper payment is enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1050.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all information known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Form PTO-1449 (1 page) and copies of the cited documents are provided herewith in connection with the above-captioned application.

In the Office Action mailed May 09, 2006, the Examiner noted that aspects of each of the Information Disclosure Statements filed on March 17, 2004 and November 09, 2004 do not comply with 37 CFR 1.98. These objections are addressed herein. It respectfully is submitted that, with reference to the objections made to the Information Disclosure Statement filed November 09, 2004, it appears that the Examiner is referring to the Information Disclosure

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Date of Deposit November 09, 2006  
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Stephanie Seidman

Applicant : Rene Gantier et al.  
Serial No. : 10/658,355  
Filed : September 8, 2003

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Supplemental Information Disclosure Statement

Statement filed January 04, 2004, and not to the Information Disclosure Statement filed November 09, 2004. Hence, objections to the Information Disclosure Statement filed November 09, 2004 are addressed herein with reference to the Information Disclosure Statement filed January 04, 2004.

In the Office Action, mailed May 09, 2006, the Examiner states that copies of documents "BP" and "CO" on the Form PTO-1449, submitted with the Information Disclosure Statement filed on January 04, 2004 were not legible. Upon review of these references, it appears that they may have been inadvertently provided. The Examiner also states that the publication date for item "AZ" on the Form PTO-1449, submitted with the Information Disclosure Statement filed on January 04, 2004, should be March 11, 1999, and not November 15, 2001 as listed. Although it appears that the Examiner is correct, upon review of this reference it appears that it was inadvertently provided. Accordingly, consideration of documents "AZ", "BP" and "CO" submitted with the Information Disclosure Statement filed on January 04, 2004, is not required.

In the Office Action mailed May 09, 2006, the Examiner states that items A-E on the Form PTO-1449, submitted with the Information Disclosure Statement filed on March 17, 2004, lack a listing of their patent numbers. Although documents numbers were provided on the PTO-1449, they were incomplete and lacked the first four digits of the published application number. Hence, the items A-E on the Form PTO-1449 filed March 17, 2004 are re-listed with their complete application numbers as items AA-AE, respectively, on the corrected Form PTO-1449 provided herewith for the Examiner to initial. Applicant further requests the Examiner note that the English equivalents for items "P" and "Q" on the PTO-1449 submitted with the Information Disclosure Statement filed on March 17, 2004 are items "B" and "D", respectively, on the PTO-1449 of March 17, 2004. The English equivalents are re-provided herein on the instant PTO-1449 form as items "AB" and "AD."

In the Office Action, mailed May 09, 2006, the Examiner also objects to item "DR" on the Form PTO-1449, submitted with the Information Disclosure Statement filed on January 04, 2004. The Examiner states that reference "DR" does not have a date or relevant book or journal title on it. In a telephonic conference with Examiner Russell Negin on June 09, 2006, Kari Dickinson, a Patent Scientific Advisor, requested clarification of this objection because the date of the reference was listed correctly on the Form PTO-1449. The Examiner recommended that

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the copy of the document also be provided with a date of publication on it, and suggested that a copy of the Title page or other page from the source book noting the date of publication be provided with the instant document. Accordingly, Applicant is providing a replacement copy of item "DR", including the title page from the book in which the document is published indicating the publication date of the document. In addition, document "DR" submitted with the Information Disclosure Statement filed January 04, 2004 is re-listed as Item "AF" on the PTO-1449 provided herewith for the Examiner to initial.

The documents listed on the Form PTO-1449 are in the English language. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Also provided herewith are copies of two Examination Reports, mailed August 08, 2005 and June 02, 2006, that issued in connection with corresponding European Application No. 03748392.2 (Attorney Docket No. 17109-013EP1/ 923EP), which is a national stage filing of International Patent Application No. PCT/IB03/004255, which, like the instant application, also claims priority to U.S. Provisional Applications 60/410,258 and 60/457,063. Hence, this application and the European Patent Application No. 03748392.2 claim priority to the same parent application. In the European Examination Report, mailed August 08, 2005, the Examiner cites five documents: US Patent No. 5,233,409 (D1); International Published Application No. WO 01/61344 (D2); Manetti et al. (2000), 1543: 146-148 (D3); Lewerenz et al. (1998), 282: 585-599 (D4); and International Published Application No. WO 03/023032 (D5). These documents already have been made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449, filed March 17, 2004 (D5) and November 09, 2004 (D1, D2, D3, D4). In the European Examination Report, mailed June 02, 2006, the Examiner cites three documents: US Patent No. 6,013,478 (D6); International Published Application No. WO 95/23813 (D7); and International Published Application No. WO 01/32844 (D8). These documents already have been made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449, filed November 09, 2004 (D6) and January 21, 2005 (D7, D8).

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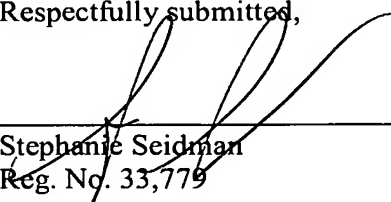
Further to the list provided in the communication filed on September 26, 2006, applicant also makes known to the Examiner the following pending International Application that has one or more common inventors and/or is commonly owned:

International Application No.	Filing Date	Publication No.	Publication Date	Docket No.
PCT/05/009528	09/05/05	WO2006/024547	03/09/2006	n/a

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the information, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97 (g and h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56 (b) exists.

Applicant respectfully requests that the Examiner review the foregoing documents and make them of record in the file history of the above-captioned application.

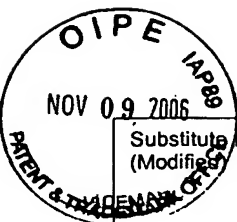
Respectfully submitted,



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Stephanie Seidman  
Reg. No. 33,779

Attorney Docket No. 17109-013001 / 923  
Address all correspondence to:  
Stephanie Seidman  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-4777  
Facsimile: (202) 626-7796  
email: seidman@fr.com



<b>Substitute Form PTO-1449</b> (Modified)  <b>List of Patents and Publications for Applicant's Information Disclosure Statement</b>  (37 CFR §1.98(b))	<b>U.S. Department of Commerce</b> <b>Patent and Trademark Office</b>	<b>Attorney's Docket No.</b> 17109-013001 / 923	<b>Application No.</b> 10/658,355
	<b>Applicant</b> Rene Gantier et al.		
	<b>Filing Date</b> September 8, 2003	<b>Group Art Unit</b> 1631	

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	20030129203	07/10/03	Vega et al.	424	233.1	12/17/01
	AB	20030129584	07/10/03	Vega	435	5	12/13/00
	AC	20030134351	07/17/03	Vega et al.	435	69.1	12/17/01
	AD	20030175694	09/18/03	Vega	435	5	05/04/01
	AE	20030224404	12/04/03	Vega et al.	435	6	02/24/03

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
		none						

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	AF	Schwartz et al., "Matrices for Detecting Distant Relationships", in <u>Atlas of Protein Sequence and Structure</u> , National Biomedical Research Foundation, Silver Spring, Md. pp. 353-358 (1978)

<b>Examiner Signature</b>	<b>Date Considered</b>
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	